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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,470	12/30/2003	Richard Boudinot	026032-4592	7062
26371 7590 07/10/2007 FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			EXAMINER NELSON JR, MILTON	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/748,470

Applicant(s)

BOUDINOT, RICHARD

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,6,8-14,17-23,25-51 and 56-61 is/are pending in the application.
- 4a) Of the above claim(s) 29-31 and 51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,14,44, 56 and 57 is/are allowed.
- 6) ☒ Claim(s) 3,6,8,10-13,17-23,25-28,32-43,45-50 and 58-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on January 23, 2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 6, 8, 10-13, 17-23, and 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, it cannot be determined if Applicant intends to positively claim the combination of an entertainment system and a vehicle having a seat, or the subcombination of an entertainment system for use with a vehicle having a seat. Lines 1 to 4 appear to set forth the subcombination. Note the recitations "an entertainment system for a vehicle", and "the display configured to be mounted to a seat of the vehicle". Line 9 appears to

set forth the combination. Note the recitation "the display is in an upper region of a seatback of the seat". Clarification in the claim language is required. For the purpose of interpreting the claim, the combination has been treated on the merits. In line 2 of claim 8, it is unclear if "a spring member" is intended to be the same as the previously set forth "spring member". Similarly note claim 12. In claim 23, it is unclear if "a seatback of the seat" is intended to be the same as the previously set forth "seatback of the seat". The remaining claims are indefinite at least since each depends from an indefinite claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 41-43, 46, 48-50 and 58-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakurai (5529265). Note the display screen (10), spring member (8), damper member (7, 12), multipart frame (see Figure 1), and first and second sides (see Figure 1). Note that the display screen is configured to pivot around an axis extending in the transverse direction of a seat of the vehicle in an upper region of a seatback of the seat. Note in Figure 2, where seats 1C and 1B show display screens pivoted in the above-described manner. Sakurai also has the capacity for generating first and second

torque, wherein the second torque has a greater force than the first torque. The capacity exists for the first torque to cause travel to a certain point, wherein the second torque can cause travel beyond the certain point.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28 and 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafer (1178107) in view of Schmidt (2770903). The primary reference shows all claimed features of the instant invention with the exception of the display screen being an electronic display screen. In the primary reference, note the display screen (4, C) that moves in both a clockwise and counterclockwise direction (see lines 95-102 on page 2) or forwardly and rearwardly depending on the movement and orientation of the backrest. Also note the capability of torque to provide slight pivoting and application of torque that allows pivoting of 90 degrees. Note that rotation of the display provides the capacity for it to face in either direction (note Figures 2 and 4). Also note the multipart frame (1, 2, 3). It can be seen that one side of the display provides visibility of the display, while the opposite side provides protection of the display. Also note the axis (3) extending in a transverse direction of the seat, and a means (6) for generating first and second torque, wherein 6 has the capability of producing the second torque with greater

force than the first torque. The capacity exists for the first torque to cause travel to a certain point, wherein the second torque can cause travel beyond the certain point. Additionally note the braking mechanism (12). The secondary reference conventionally teaches constructing a display screen (14) for the seatback of a seating device as an electronic display screen (note lines 58-60 in column 2). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding a suitable bulb to the display screen, thereby adapting the display screen as an electronic display screen. This modification enhances aesthetic appeal to the display screen.

Claims 41-43, 45-50, and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafer (1178107) in view of Schmidt (2770903). The primary reference shows all claimed features of the instant invention with the exception of the display screen being an electronic display screen. In the primary reference, note the display screen (4, C) that moves in both a clockwise and counterclockwise direction (see lines 95-102 on page 2) or forwardly and rearwardly depending on the movement and orientation of the backrest. Also note the capability of torque to provide slight pivoting and application of torque that allows pivoting of 90 degrees. Note that rotation of the display provides the capacity for it to face in either direction (note Figures 2 and 4). Also note the multipart frame (1, 2, 3). It can be seen that one side of the display provides visibility of the display, while the opposite side provides protection of the display. Also note the axis (3) extending in a transverse direction of the seat, and a

means (6) for generating first and second torque, wherein 6 has the capability of producing the second torque with greater force than the first torque. The capacity exists for the first torque to cause travel to a certain point, wherein the second torque can cause travel beyond the certain point. Additionally note the braking mechanism (12). The secondary reference conventionally teaches constructing a display screen (14) for the seatback of a seating device as an electronic display screen (note lines 58-60 in column 2). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding a suitable bulb to the display screen, thereby adapting the display screen as an electronic display screen. This modification enhances aesthetic appeal to the display screen.

***Allowable Subject Matter***

Claims 9, 14, 44, 56 and 57 are allowed.

Claims 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 6, 8, 10-13, 17-23, and 25-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Amendment/Arguments***

Applicant's response has been fully considered. Remaining issues are described in the above sections.

Arguments regarding Kanda now appear moot, since rejections based thereupon have been withdrawn in view of amendments to the claims.

Regarding application of Shafer to the claims, a new grounds of rejection based on a modification of Shafer has been applied, as necessitated by Applicant's amendment.

Regarding Sakurai, Applicant argues that Sakurai fails to show a display screen that is pivotable in the forward direction of travel by generating a first torque and pivoted farther in the forward direction of travel by generating a second torque of greater force than the first torque. Clearly a rotational force provided to the screen is provided by a first torque. A second rotational force provided to the screen will clearly provide further torque. It is clear that this torque can be of a greater force than the first torque.

Applicant argues that the examiner's conclusion is based upon improper hindsight reasoning. The conclusion is only based on what the structure provided in Sakurai is capable of performing. It is clear that the torque provided to Sakurai is a matter of user input. The user can provide any amount of torque that he/she is capable of physically providing. The claims include no structural feature that is not provided by Sakurai. As such, Sakurai has been properly applied.

Applicant is advised that non-elected claims 29-31 and 51 remain withdrawn from further consideration. Non-elected claims 18-20 are dependent from claim 3, which has



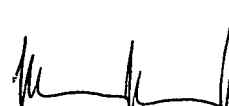
been indicated as including an allowable combination. As such, claims 18-20 have been treated on the merits.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST EST.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636